



# HOUSE BILL 122: Amend Interlocutory Appeals/Family Law

2013-2014 General Assembly

**Committee:** Senate Judiciary I  
**Introduced by:** Reps. Glazier, Stevens  
**Analysis of:** PCS to Second Edition  
H122-CSSA-51

**Date:** June 6, 2013  
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**SUMMARY:** *The Proposed Committee Substitute for House Bill 122 would amend the laws pertaining to interlocutory appeals as related to family law and modify the law regarding discipline for judges.*

## BILL ANALYSIS:

**Sections 1 and 2** would create a new G.S. 50-19.1 allowing appeals from an order or judgment that arise from claims for absolute divorce, divorce from bed and board, child custody, child support, alimony, or equitable distribution, when the order or judgment otherwise would be final under Rule 54(b) of the Rules of Civil Procedure were it not for other pending claims in the same action. A party's right to appeal is not forfeited if not made immediately, and an appeal does not deprive the court of jurisdiction of other claims pending in the same action. The PCS would also add a provision to G.S. 7A-27(d) to provide for an appeal of right directly to the Court of Appeals in actions or proceedings described in the new G.S. 50-19.1.

**Sections 3 through 6** would amend the procedure for disciplining judges in the following ways:

- Would remove the power of the Judicial Standards Commission to issue a public reprimand to a judge and place that authority with the Supreme Court.
- Would make all records, investigations, recommendations, and hearings of the Judicial Standards Commission, and hearings by the Supreme Court confidential until the Supreme Court issues a public reprimand, censure, suspension, or removal.
- Would modify the procedure for determining whether a justice of the Supreme Court should receive a public reprimand, censure, suspension, or removal, so that rather than the Court of Appeals making the determination, it would be made as follows:
  - Require the Governor, President Pro Tempore of the Senate, and Speaker of the House of Representatives to appoint a 3 judge panel to review the recommendation and the record of the Judicial Standards Commission.
  - If the three judge panel shall determine whether the Commission's recommendation should be made to the Supreme Court, and if so, the Supreme Court will determine whether a public reprimand, censure, suspension, or removal should be issued.
  - If the three judge panel determines the recommendation should not be made to the Supreme Court, the record would be returned to the Commission and no further proceedings conducted on the same record.

**EFFECTIVE DATE:** This act is effective when it becomes law.

